

[The Deputy President] [26th November 1949]

The Madras Tenants and Ryots (Protection) Bill, 1949
(L.A. Bill No. 29 of 1949).

The Madras Preservation of Private Forests Bill, 1949
(L.A. Bill No. 30 of 1949).

The Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949).

(2) On 24th November 1949—

The Madras Hackney Carriage (Amendment) Bill, 1949
(L.A. Bill No. 33 of 1949).

The Indian Treasure Trove (Madras Amendment) Bill, 1949 (L.A. Bill No. 34 of 1949).

The Madras Rivers Conservancy (Amendment) Bill, 1949
(L.A. Bill No. 35 of 1949).

The Tuticorin Port Trust (Amendment) Bill, 1949 (L.A. Bill No. 36 of 1949).

The Madras Registration of Births and Deaths (Amendment) Bill, 1949 (L.A. Bill No. 37 of 1949).

(3) On 25th November 1949—

The Provincial Small Cause Courts (Madras Amendment) Bill, 1949 (L.A. Bill No. 38 of 1949).

and signed by him for the concurrence of the Council.

“ I have also to announce to the House the following messages received from His Excellency the Governor of Madras, dated 12th November, 1949.

“ *In pursuance of Section 299, Sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Buildings (Lease and Rent Control) Bill, 1949.*”

“ *In pursuance of Section 82, Sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Buildings (Lease and Rent Control) Bill, 1949.*”

III.—GOVERNMENT BILLS.

(1) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) BILL, 1949
(L.A. BILL NO. 26 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—“ Mr. Deputy President, Sir, I move—

‘ *That the Madras Buildings (Lease and Rent Control) Bill a, 1949 (L.A. Bill No. 26 of 1949), as passed by the Legislative Assembly be taken into consideration at once.*’

There is nothing new in this Bill to be explained. This is the same as the one which this House passed in 1946 and which became the Madras Buildings (Lease and Rent Control) Act, 1946. It

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came into force on 1st October 1946. It also provided for its remaining in force for a period of two years, i.e., till 30th September 1948, and for its continuance thereafter by the Provincial Government, if necessary, by a notification in the Gazette, for a period not exceeding two years. Under this provision, the Act was extended for a period of one year in the first instance commencing from 1st October 1948. But in view of the Federal Court decision in a Bihar case saying that extension by notification, even if provided in the Act, is not valid, doubts were raised whether this extension by a notification was correct. Subsequently in a decision of the Madras High Court it was suggested that the best thing for the Government would be to bring in the entire legislation afresh instead of issuing Ordinances. We have, therefore, brought the entire Act afresh in the present Bill for the consideration of the House. Sir, I would like to inform the House that during the working of the Act, defects were noticed and certain amendments by various Members were brought to an amending Bill to this Act of 1946. A Joint Select Committee was then set up as agreed upon by both the Houses, which went into the matter and submitted its report. The report came up for consideration before the other House. By then, the original Act to which this amendment was brought, had worked itself out and there was therefore no Act to be amended then. The House considered the fact that the Act sought to be amended was not in existence and therefore agreed to the withdrawal of the Select Committee's Report. All these amendments, those to the Act proposed by the Government as well as amendments accepted during the Select Committee stage will be placed before the House shortly in an amending Bill to the present measure, if it is passed into law. Several amendments were also proposed when this Bill was discussed in the other House and the Government were prepared to accept them. All these also will be brought before this House during the next session in December 1949 so that we can examine the whole measure in detail. This is the position in regard to this Bill, and nothing new has happened since the 1946 Act was passed, except the issue of an Ordinance to validate the extension of the Act in view of the Federal Court decision. We have to make this law within a particular period.

(Dr. V. K. John: Why not wait for sometime?) This Bill should become an Act before the 4th December 1949. That is why we have come with this measure now, so soon after the Public Safety Bill was passed."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Madras Buildings (Lease and Rent Control) Bill, 1949 (L.A. Bill No. 26 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

* DR. V. K. JOHN :—" Mr. Deputy President, Sir, while I deeply sympathize with the Government in their difficulties in extending the duration of a legislation which it should not have done and in also introducing a Bill which after going through the Select Committee, they had to withdraw, I am glad that the Hon. the Minister who introduced it has given an assurance that a

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comprehensive Bill without defects might be conceived, drafted and introduced in this House during the December session. Sir, as I practise in the Courts, I know the High Court has pointed out in many of *writs of certiorari* several defects in the Act itself. If anyone goes through the Act, he will find many defects. I shall just point out to the Hon. the Minister how ill-drafted the Bill was when it was originally passed. Now you will find that only certain orders are executable. I would invite the Hon. the Minister's attention to clause 9 which says that 'every order made under section 7 or 8 and every order passed on appeal under section 12 shall be executed'. Therefore, you can have an order passed under section 7 or 8 by the Controller executed by the Judge of the Small Cause Court or the Principal Judge of the Madras City Civil Court. Section 12 says that 'any person aggrieved by an order passed by the Controller may, within fifteen days from the date of receipt of such order, prefer an appeal in writing to the appellate authority having jurisdiction.' Now, as you know very well, one of the important matters which the Controller is dealing with is the fixation of fair rent. Now under section 4 that is not executable. But when an order is passed on appeal against that order, that is executable. There are so many defects like this in the Act. Actually the Act goes to the extent of saying that if a person does not pay his rent within 15 days he shall be evicted. Sir, there must always be a right of relief against forfeiture as is provided in the Transfer of Property Act in which discretion vests in a Court of Law, in fit cases to extend the time-limit. Sir, it may happen that the landlord is dead and the tenant does not know to whom he should run to pay the rent. It may be that the tenant is dead and the poor widow does not know the period up to which the month's rent is allowed to be paid. The Court has no discretion at all here. I suggest, therefore, that all these should be carefully scrutinized when a new Bill is brought. Again the Bill gives summary powers to Controllers, in dealing with cases, who are mostly Deputy Collectors. I am not making any allegation against them. They are of course doing their best. But sometimes they have to deal with cases involving not hundreds or thousands but tens and hundreds of thousands of rupees and while disposing of them summarily, there may be some injustice. There are many cases like this which have to be decided in Courts of Law. I would therefore request that these cases may be left to the Courts for disposal as theirs will be better decisions.

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a.m.

"I would rather suggest setting up of Courts of Law because this Act is to remain for some little time. It is not going to be a temporary one as it was originally intended and rights of people are affected to the extent of many, many thousands of rupees. In fact, I was engaged in a case before the Rent Controller where the sum involved was about thirty thousands, and he disposed of the case in five or ten minutes. He has not got the time to devote to it. I, therefore, suggest that in the light of experience gained by leading practitioners, it would be much better to have Courts of Law.

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' Then, Sir, one regret I want to express is, there is no provision to pull down a building. The City Municipal Act provides that uninhabitable buildings may be pulled down and possession given to the landlord. Indeed in fit cases possession must be given and there is no provision in the Act. There are many houses which cannot be pulled down and the tenant evicted.

' Thus, there are so many things which the Government have carefully to go through and see that the Act is so framed that no injustice is done. There is neither certainty nor flexibility in this piece of legislation. Sir, as you know it, the characteristic of law is certainty and flexibility. Where rights of people are affected, they must be certain of their rights and liabilities. There must be flexibility because you can never frame a rule which will suit all the circumstances of a future case, and the general rule should not be harsh. Though there seems to be flexibility there should also be justice and equity in the exercise of it. But unfortunately the legislation has not protected the tenant's rights. Therefore, if my Hon. Friend, Mr. Madhava Menon goes through the Bill I am sure he will provide for not only the certainty in law and flexibility but for many many things which have not been provided for in the Bill.

' But these are all minor matters. My important criticism is that the Government should have found it necessary to extend this Bill and also bring a new one and also propose to bring a comprehensive Bill in December. Sir, as I have said the other day, it is again the problem of control and this Government lead and their minds work through only control. These are introduced as a temporary measure. What did they do during the last many years? We had these controls from 1942. But then we had a foreign Government. From 1946 when we had these controls what did this Government do. The greatest injustice the Government are doing to-day is, Sir, that when a house falls vacant, Government are the first person to jump at it. Every house that falls vacant above a certain rent goes to Government, and to Government servants. Could they not have during the last three years built sufficient number of houses for the employees, for the Ministers, the Secretaries of Government and the employees of Government who are in the city? Why should the Government come and clutch the house that should go to a private individual? The Government to-day are doing a great injury to private individuals. Why should not the Government build houses. How many lakhs of rupees, Sir, have we not lost in transport which could be better conducted by a private agency. Lakhs of rupees have been lost. With this they could have constructed houses for the Premier, all the Ministers and everybody else, even including the Deputy President. (Laughter.)

' Now, Sir, Government should set an example, when people are running here and there for houses. It is an important matter. Let the Government make a start to-day at least. After the Hon. Mr. Kumaraswami Raja has become the Premier, I thought something would be done. I would suggest in all earnestness, not in

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the spirit of criticizing as the Leader of the Opposition, to set an example by building houses for all their employees and Ministers and other Government servants. Let them not go and requisition or take on rent any house. Let them go to private individuals also. My most important suggestion is that the Government should introduce legislation if necessary to compel every employer of labour to build houses for his employees. We have got two hundred *cheris* in the city. The Corporation applied for contribution. They have not got it. So they have not the money or the co-operation and they have not been able to improve, remove and rebuild the *cheris*. As you know very well they pay Rs. 24 lakhs as interest on loans alone. The Government must at least see that private employers such as Binny's and others provide accommodation for their employees by assisting them by granting loans if necessary. But Government must start and give a lead. They must set an example to other private employers by providing houses to Government servants. It is a serious problem. You find many people coming to the city are unable to get suitable accommodation.

"Again, this bill is a deterrent to house building by others because if a man built a house he does not get a return on the money invested in the building as building materials are costly. Another thing the Government may consider, Sir, is when we have so much shortage of houses, why not allow the occupant of the house, the tenant, to purchase the house and the premises by payment of annuities, I suggest this because, if I am a tenant of say 10, 20 or 30 grounds, whatever it might be, paying two to three hundred rupees as rent for the past 20 years, if I become the owner of the house, I would extend it and get more accommodation. The tenant to-day is not interested in building on that. Why can't you introduce legislation enabling the tenant to purchase the rights of the landlord by annuity system, the Government giving the guarantee. This will be an encouragement to house building. There are many other ways of encouraging house building, such as by having investment corporation which will supply building materials on fair prices.

"I know the Government are as anxious as anybody else in solving the housing accommodation but the difficulty of the Government is that the Government machinery is old and without imagination, and they have no finances for anything now. They have their pet theories of prohibition, encouragement of khader, etc. If the one crore of rupees spent on khader had been put into houses for Government servants, they could have found some accommodation. Two-thirds of the khader in the production of which they had spent one crore is there with nobody to purchase it. Mistakes are human. There is nothing wrong in having made mistakes. Consider calmly whether it is not better to reconsider these policies. If there were mistakes confess them and let us not proceed with those mistakes. I am not criticizing to discourage the Government. Any Government would make mistakes. It is an important matter. I, therefore, suggest that Government should see that the necessity for this Bill which is going to be extended or enacted is ended in a very short time."

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SRI S. B. ADITYAN :—“ It is not necessary, Sir, to have a lengthy discussion on this Bill in view of the assurance given by the Hon. Minister for Law that an amended Bill would be brought in during the next session, and a Joint Select Committee would be appointed to go into the details. Sir, I was a member of the Joint Select Committee which considered the last Bill. I observe that in the present Bill none of the suggestions made by the Joint Select Committee has been incorporated. In fact I believe that it is admitted that there are many aspects of the Bill which could be improved at a later stage and it is proposed to rectify them at a later stage. There is however one aspect of this Bill which could not be rectified even at a later stage. This defect was considered by the last Joint Select Committee and the Committee felt that it could not be rectified because it was beyond the powers of the Joint Select Committee to amend the Bill in this respect. Sub-section (2) of section 11 of the present Bill says ‘ if a landlord fails to make the necessary repairs to the building within a reasonable time after notice is given by the tenant, it shall be competent for the Controller to direct on application by the tenant that such repairs may be made by the tenant and that the cost thereof may be deducted from the rent which is payable by him.’ If there is a small repair in a house costing Rs. 5, say a few bricks to be put up, or a small alteration to be made, now, even if there is ever so small a repair to be done, the matter has got to be taken to the Controller, if the landlord does not effect the repairs. It was felt by the members of the Select Committee, and there was very nearly unanimity in this respect, that it should not be compulsory for the tenant who wants a small repair to go to the court. The present position leaves no alternative to the tenant but to make an application to the court if he wants even the smallest of repairs to be done. Anyone who has experience of the proceedings before the Rent Controller knows that it is not easy to have cases heard and disposed of quickly. It involves considerable labour, expense and time. The Bombay Act provides that if a landlord does not effect repairs which cost less than a month’s rent, then the tenant can himself effect the repairs without going to the court. A similar provision should be introduced in our Act also. It was felt by all the members of the Joint Select Committee that there ought to be a similar provision, but the Joint Select Committee was not in a position to make the amendment because it was beyond its powers to propose a new clause. I wish the Hon. Minister keeps this in mind—that the Joint Select Committee unanimously wanted a provision by which a tenant can make small repairs to his house without the necessity of having to go to a court. At present, even if a repair costs only one or two rupees, there is no other alternative for the tenant except to make an application to the Rent Controller. I suggest, Sir, that a provision similar to that in the Bombay Act should be included when the amending Bill is brought forward so that we may not have the same experience as we had in the last Joint Select Committee.”

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noon.

* SRI R. SURYANARAYANA RAO :—“ Sir, when this Act was passed in October 1946, it was the intention of the Government

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that by 1950 the conditions in regard to housing would so improve that there would be no need for further control. When the Government brought forward the Bill, we felt at that time that they had a plan of action by which they proposed to achieve the objective, namely, of providing adequate housing accommodation so that by 1950 there would be no need for this control. But, Sir, as the Leader of the Opposition pointed out, we are yet unaware of the measures taken by the Government to increase housing accommodation. The other day I put an unstarred question asking the Government to inform this House of the action taken by them on the various recommendations of the Provincial Housing Committee. It was a bulky answer and when one went through the answer with regard to the action taken on the various recommendations one felt that the Hon. Ministers on the Treasury Bench now were no better than their predecessors of the Advisers' regime. One feels so much disgusted with the outlook that every answer shows with regard to the recommendations of the Housing Committee. We regret to say this. Now this Bill is sought to be extended up to 1950. Another Bill which the Hon. Minister for Law promises to bring forward may again fix a period of two years or four years. Whatever may be the number of years fixed, it looks as though the question of housing accommodation will not receive the attention of the Government that it deserves.

" Sir, the other day I put a question and wanted to know what action the Government had taken for housing industrial workers and whether they had taken advantage of the offer of help from the Central Government to enable industrialists to build houses for their employees. The answer was that the matter was still under consideration. How long are these matters to be under consideration? At least if industrialists are assisted in the manner suggested by the Government of India, to that extent the number of houses occupied by industrial employees may become vacant and may be available for others. But the whole thing is so sickening. We are proceeding at a snail's pace and we do not know when our Government will realize the gravity of the situation especially in big cities like Madras and Mathurai where the housing problem has become very acute.

" Sir, anyhow I am grateful to the Hon. Minister for Law, whatever may be the causes for the existence of this housing problem, that the Government propose to assist tenants by bringing forward another Bill incorporating in it such suggestions as have been made in this House, in the other House and also in the Joint Select Committee which sat on the amending Bill.

" In the meanwhile, may I draw the attention of the Hon. Minister for Law to section 3 which deals with notice of vacancy by a landlord. Those of us who indulge in the pleasure of reading advertisements in the newspapers come across every day for the past some months notices 'To let.' How could a house be let like this in the city as under section 3, as soon as a building falls vacant, it should go into the possession of the Collector. Some of them are such good houses that I am sure the Collector could

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not have willingly foregone his claim for them. There is something wrong in the exercise of the powers under section 3 in the city especially.

“ There is also another thing, Sir. I am a private person and I am in need of a house. I go round the different parts of the city and manage to find that a house is vacant. But the landlord says that he would let the house only if I bring the permission of the Collector. I put in a petition to the Collector, but immediately he takes possession of that house. Instead of allotting it to me, who has taken the trouble to go round the city and find out the house for my occupation, as soon as it comes to his notice through me, he immediately takes charge of the house. His intelligence department is defective. I take the trouble to go round and I mention to him that a house is vacant, that I want it for my occupation and that I am an essential person though I am not a Government servant, but he says that I shall not occupy it. I mention this because there are Collectors and Collectors. Previous Collectors used to give permission to a tenant who takes the trouble to find out a house to occupy that house. There is nothing in law to prevent that. When a person went to the Collector with a letter from the landlord that he was willing to allot the house to him, he would immediately say, ‘ As you have taken the trouble to find out the house, you had better have it ’, if he was satisfied that the man was really in need of it. But the present Collector takes possession of that house. If his intelligence section is so defective that he is not able to trace the houses that are falling vacant, and if the poor tenant who is forced to live in the city takes the trouble of finding out, it is unfair on the part of the Collector to take possession of that house and deprive the tenant of that house. This matter can be set right by executive orders. This was being done in the City of Madras by the previous Collectors and there was no complaint. The Collector has always got a number of applications from Government servants. If you go to him, he will say that he should allot the houses according to priority and that non-officials have no right to expect any assistance from him. We do not want his assistance, Sir. We ourselves will take the trouble to find out houses. All that we want him to do is not to prosecute the landlord, if he lets out his house to us. This is a matter in which the Government by executive orders can ask the Collector to be indulgent, if he is satisfied that the tenant, though he is not a Government official, is really in need of assistance.

“ Then, Sir, the Rent Controllers in the mufassal are mostly the Revenue Divisional Officers. I happened to go to Tuticorin. There is a Sub-Collector. He has to be on tour. He used to post rent control cases in his camp. To ask the landlord and the tenant with their vakils and other retinue to go wherever the Revenue Divisional Officer goes, causes unnecessary trouble and inconvenience to the public. Why not the District Munsifs who are stationary officers be given power to deal with rent control cases? In the mufassal it is a great grievance and I wish the Government would set it right, as they have got the power under the rules to make anyone a Rent Controller.

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“ Another curious thing is this. One of the grounds on which eviction can be sought by a landlord is the introduction of a sub-tenant. There are people occupying big houses but possessing small families. If they want to share their houses with their friends, even if necessary by putting themselves to some inconvenience and thus assist in solving the housing problem, why should the landlord be given the power to evict the tenant, though the main tenant does not make any profit out of the rent received from the sub-tenant? This is a thing that is happening now. I would like the Hon. Minister for Law to examine whether a tenant with the permission of the Controller cannot take a sub-tenant if he satisfies the Controller that he is not doing it with a profit motive but to assist somebody who is in need of a house and that the man who wants to occupy the house is also one whose presence is essential in the city. I know, Sir, that even big Government officials with small families would like to share their bungalows with their friends but they cannot do so, because it would give a cause of action to the landlord to bring a suit for eviction. As long as the motive is not profit, but only a desire of the tenant to accommodate someone who is equally in need of accommodation, this penalty of eviction should be removed. I have nothing more to say except that when the new Bill is brought forward the suggestions made in this House and in the other House will be considered. With regard to the valuable suggestion made by my hon. Friend, Mr. Adityan, I hope he will not be so helpless as he was in the previous Joint Select Committee. I also hope, Sir, that the Bill will not be merely a replica of the Bill which was once introduced—as it often happens here—but the Government will examine every clause and see what improvements could be made. I hope, Sir, they would bring forward the Bill before 1950. Sir, I do not think that any of us do not want this Bill to be passed. We want this Bill to be passed. It is a necessity. We hope when the new Bill comes, it will come in a much improved form.”

12-15
P.M.

* THE HON. SRI K. MADHAVA MENON :—“ Sir, in the first place I want to tell the hon. Leader of the Opposition that in this Bill we have only mentioned the same date as that mentioned in the previous Act, viz., 30th September 1950. This measure will automatically expire on that date and there is no question of extension by notification. A fresh Bill will have to be brought in then. Mr. Suryanarayana Rao also said that there would be no necessity to extend the measure beyond 1950. Anyhow, the Ides of March have not come yet, and let us hope that perhaps with the separation of the Andhra Province we might have some relief in the matter of housing accommodation and that there would be a greater likelihood of our getting more materials for building houses and that more houses will be actually built by the people.”

DR. V. K. JOHN :—“ A point I forget, Sir—that many buildings will become vacant in the Madras City.”

* THE HON. SRI K. MADHAVA MENON :—“ As Dr. Lakshmanaswami Mudaliyar was not here at the time of my opening remarks, I may say in reply to a remark of his made on a previous

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occasion, that amendments to the Act were brought forward and the amending Bill was referred to a select committee and that committee also spent considerable time over it; but unfortunately we found we were dealing with amendments to an Act which was dead and so the proceedings of the select committee also were automatically dead and could not be proceeded with."

DR. V. K. JOHN :—" Whose mistake? "

* THE HON. SRI K. MADHAVA MENON :—" It is not our mistake, as I said. I may however submit, Sir, that cases of extension by notification have been in practice elsewhere; there are still some laws of the Central Government which are working under extension. I have also quoted a dozen English precedents where Parliament gave power to extend legislation by notification; but since the Federal Court has held that it is wrong, we have had to follow that. According to that decision, the select committee was considering amendments to an Act which was dead. The difficulties pointed out by the High Court and also the defects found out in the course of the working of the Act were all covered by the amendments that were being considered by the select committee and there were also amendments brought forward as a result of personal experience by members themselves; but all that has been of no use. In fact, we even wanted to bring in all those amendments which were suggested for the Act, but we found all that would take some days and the measure could not be passed by both the Houses within six weeks as required. The suggestion made by Mr. Adityan has already been embodied in the amending Bill along with many others, and as I said, when we bring in a fresh Bill, all these suggestions will be covered. Dr. John also referred to clause 7 of the Bill. The Bill which we propose to bring forward will be referred to another select committee and I hope that, on the advice of Dr. John, we will be able to correct the many mistakes that he now says are found in this measure. .

" Dr. John also said that control by the Government was bad and asked why did not Government build houses, what have they done so far to provide houses for their servants, etc. It is true, Sir, Government could not build houses. The whole gravamen of his charge was: why did you go on with your fads, why did you not stop them? Sir, my answer to him is simple. It is those fads of ours that brought us here; we are here because of those things which the hon. Dr. John calls 'fads.' They are not fads to us or to those who have sent us here as their representatives; our election manifesto on which we fought, mentioned these fads as things that we would do; and whatever the hon. Leader of the Opposition or others may think, they are not fads to us; they are the mandates we have got from the people and so we are not going to give up those things, even if you call them fads."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" But are they likely to keep you on (laughter)? "

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* THE HON. SRI K. MADHAVA MENON :—“ If other friends think we are committing suicide, they will have only to be glad, and if we commit suicide, we cannot be punished, because it is only an attempted suicide that can be punished. Perhaps if my friends think they are there to prevent us from committing suicide, then I should be grateful to them to that extent. Anyway, Sir, we have not yet felt we are committing suicide; on the other hand, those who have sent us here do feel that we are trying to keep our promises.

“ Dr. John asked why Government have not built houses, and was it not our duty to do so? Sir, there is no dearth of people asking for facilities for building houses; the dearth is only for materials. Everybody is asking for house-building materials. Recently we issued an order to all cinema theatres in Madras that they must all provide proper accommodation and that if they did not do it within one year, their licences would be cancelled. They came to me and asked me : ‘ What is the meaning of this order; we are quite prepared to do it not in one year, but even to-morrow; but we want cement, iron and other materials; you cannot give us the Hobson’s choice; we cannot build when you cannot give materials.’ I felt they were perfectly reasonable. That is the position.”

DR. V. K. JOHN :—“ May I enquire why the Minister asked them to build? Did he not know there was dearth of materials? ”

THE HON. SRI P. S. KUMARASWAMI RAJA :—“ Because he saw them building some theatres! ”

* THE HON. SRI K. MADHAVA MENON :—“ I realize the awkwardness of my order. Because under the Public Health Act, the Health department wanted that certain existing defects should be rectified, naturally we said those defects should be cured. They said : ‘ why within a year, we will do it within two months, give us materials.’ So, Sir, if the Government really thought of building houses for their servants, there would not be any materials available for anybody else. As a matter of fact, it cannot also be said that we have not so far done anything at all. You yourself, Sir, know that Gandhinagar has been built up. It is a splendid achievement in the City to relieve house shortage. About 120 houses have come into existence there, not a small number when we think of the lack of materials. So, some attempts are being made. (Dr. V. K. John : ‘ I understand some of them have cracked.’) Are there not other houses which have cracked. I think men also crack now and again.” (Laughter.)

DR. V. K. JOHN :—“ Did the Hon. Minister use the word ‘ crack ’ or ‘ scrap ’? ”

* THE HON. SRI K. MADHAVA MENON :—“ He must take that cap which fits. (Interruption.) It is for other people to say whether the cap fits me or not. (Laughter.) In building hundreds of houses, Sir, naturally there may be cracks in one or two; on that account it is not proper to condemn the whole thing. Wherever co-operative societies have been formed, the construction

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work is going on. The Leader of the Opposition himself knows the present difficulties of getting necessary building materials. Again, everybody wants that slums should be cleared and houses should be built for those people; and just because that is not done at once, should you say controls are bad? It is true we have to build more houses. One friend said we must compel every employer to build at once houses for his employees. No doubt we can compel them under the Factories Act or other Acts; we can say they must provide buildings for the workmen and all that; but where is the material? As a matter of fact, most of the comparatively big companies are trying to build quarters for their workmen. Even there, I may make a confession—though it may be detrimental to me—that we are asking many employers to give good quarters for their men; but if we have to provide our own employees like that—say like the Cinchona factory—and there are other Government factories also—we will not be able to do that; and if we are not able to do that ourselves, how can we ask other employers to do that? So, if the Leader of the Opposition will not mistake me, saying that we should compel every employer to build more houses and all that are all good ideals, but not very practicable under present circumstances.

“ Mr. Suryanarayana Rao said that the Collector is not allotting houses properly. Unfortunately or fortunately, the position is that when the house is taken possession of by the Collector, he can allot it only to a Government servant or for Government purposes. Mr. Suryanarayana Rao quoted clause 3 (2) which says that if within a particular time, the controller does not say he wants it, the house-owner is at liberty to give it to anybody he likes. It is indeed refreshing to hear that there are ‘ to let ’ advertisements. That is because the Government or the Collector does not require all the houses. I am told the Collector of Madras has got about 900 applications from Government servants in his list, of whom 50 or 60 are in the priority list. Houses may be vacant and the Collector may ask a particular officer to say if he wants it; but if the officer says it is not suitable to him, the Collector necessarily has to release it to the owner who may find his own tenant.”

DR. V. K. JOHN :—“ May I enquire of the Minister whether a time will soon come when all the good houses in the City will be occupied by Government servants? There are 900 applications it seems.”

* THE HON. SRI K. MADHAVA MENON :—“ I say Government servants also need houses; after all, they are doing your work and my work. I heartily pray with my friends that Government servants, particularly the lower-paid servants, may be soon enabled to get good quarters or houses; that is our wish.”

DR. V. K. JOHN :—“ What about private individuals? ”

* THE HON. SRI K. MADHAVA MENON :—“ So, that is the reason why ‘ to let ’ notices are appearing. When a house is likely

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to become vacant and the house-owner intimates the Collector, the Collector has to say if he wants it or not; and whenever the house is not wanted, the house-owner simply clutches at the opportunity because in the meantime many people come to know that the house is vacant and the owner can take advantage of the position. That is what happens in many cases.

"Lastly, Sir, I am only sorry for one remark which fell from the hon. Mr. Suryanarayana Rao; it is unfortunate he made it. He said that this Government were simply following in the footsteps of the Advisers. I cannot say that everything that the Advisers did was wrong; they had their own limitations; and under those limitations they have done something. But to say that we are following in the Advisers' footsteps, I think, is an uncharitable remark which he ought not to have made. With that I stop."

12-30
P.M.

THE DEPUTY PRESIDENT :—"The question is—

'that the Madras Buildings (Lease and Rent Control) Bill, 1949, as passed by the Legislative Assembly be taken into consideration at once'."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 1 and the Preamble were put one after the other and carried.

* THE HON. SRI K. MADHAVA MENON :—"I move—
'that the Bill be passed into law.'

"I can only tell the House that, as at present advised, it is our idea to bring in amendments which have become dead as they related to an enactment which was dead itself on account of the decision of the High Court and to consider along with them the suggestions that have been made, in the December session of this House."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Might I say, Sir, that on this occasion the other side of the picture has not been presented to the House at all. I came late and I did not want to prolong the discussion. I can only say that all that has been said of the sufferings and hardships of the tenants has to be faken with a pinch of salt and there are difficulties to which the landlords also are subject. With that particular statement, I wish to support the Bill in the hope that when a fresh Bill is introduced and referred to a Joint Select Committee of both Houses, the Government will take note of the fact that there are two sides of the picture and both sides will be properly represented."

THE DEPUTY PRESIDENT :—"The question is—

'that the Madras Buildings (Lease and Rent Control) Bill, 1949, be passed into law'."

The motion was carried and the Bill was passed into law.